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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

DEC - 4 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

ORIGINAL

In the Matter of )

FM Table of Allotments )  
FM Broadcast Stations )  
(Antlers, Oklahoma) )  
)  
)  
)

MM Docket No. 01-269 /  
RM-10249

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**REPLY COMMENTS**

Radio One Licenses, Inc. ("ROL"), by its counsel and pursuant to Sections 1.415 and 1.420 of the Commission's Rules, hereby submits its reply comments in the above-captioned rule making proceeding. Specifically, ROL requests that the Reply Comments advanced by ROL in MM Docket No. 01-255 be adopted. Attached hereto is a copy of ROL's "Reply Comments" filed in MM Docket No. 01-255, which sets forth the public interest benefits of granting its requests.

As previously stated in its "Comments and Counterproposal" filed November 19, 2001, ROL submits that the allotment for Antlers is of dubious merit. As stated in the engineering statement attached to ROL's November 19 filing, there are already two vacant allotments at Antlers. One of the channels was available on a "first-come, first-served" basis for several years, yet no party came forth to file an application for it. If no party was interested in an Antlers

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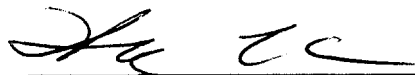
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channel previously, at no cost, ROL questions whether any party would be interested in applying for an Antlers channel under the current Rules, which provide for the auction of vacant channels. In short, ROL submits that there is no persuasive public interest benefit in allotting a third channel to Antlers when two channels are arguably more than adequate for the community of 2525 people, as those two channels are currently vacant.

For the reasons specified, ROL respectfully requests that the Commission act expeditiously to adopt the Reply Comments advanced by ROL and set forth in the attached pleadings.

Respectfully submitted,

RADIO ONE LICENSES, INC.

By:   
Pamela C. Cooper  
Mary L. Plantamura

DAVIS WRIGHT TREMAINE LLP  
1500 K Street, N.W, Suite 450  
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202-508-6600

Its Attorneys

December 4, 2001

CERTIFICATE OF SERVICE

I, Tracey A. Bogans, a legal assistant in the law firm of Davis Wright Tremaine LLP, do hereby certify that I have on this 4th day of December, 2001, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Reply Comments" to the following:

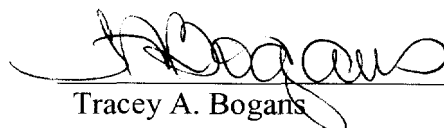
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Charles Crawford  
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Dallas, TX 75205  
(Petitioner for Antlers)

Maurice Salsa  
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Kingwood, TX 77345  
(Petitioner for Valliant, Wright City, Broken Bow,  
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Jeraldine Anderson  
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KTCY Licensing, Inc.  
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901 Fifteenth Street, N.W.  
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Tracey A. Bogans

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
FM Table of Allotments	)	MM Docket No. 01-255
FM Broadcast Stations	)	RM-10265
(Wright City, Oklahoma)	)	
	)	
	)	

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**REPLY COMMENTS**

Radio One Licenses, Inc. ("ROL"), by its counsel and pursuant to Sections 1.415 and 1.420 of the Commission's Rules, hereby submits its reply comments in the above-captioned rule making proceeding.

Since the filing of its Comments and Counterproposal in MM Docket No. 01-216, RM-10223, Valliant, Texas, that attempted to satisfy the competing interests of petitioner Maurice Salsa and ROL's own application for modification of Station KTXQ-FM, ROL has earnestly participated in each of the many rulemaking proceedings that have now been tied together for processing by the Commission's staff as a result of the continuous stream of Comments, Counterproposals, Reply Comments and Petitions for Rulemaking that have been filed by Maurice Salsa, Charles Crawford and Jeraldine Anderson (see Attachment A hereto). In each proceeding, ROL has attempted to provide the staff (and each petitioner) with a global solution to satisfy the competing interests. At every stage, however, these efforts have been thwarted in

one manner or another by what can only be described as a careful linking of the proceedings that would appear to run afoul of the spirit, if not the intent of the Commission's rulemaking rules.

After studying all of the currently available pleadings in each of the many rulemaking proceedings, ROL believes that Commission has the following options available to it to permit the grant of its application for modification of Station KTXQ-FM:

- **Option #1 at Valliant:** Allot Channel 234A to Valliant in place of 234C3. This option would allow for the grant of ROL's modification for KTXQ-FM and provide a satisfactory first local service to Valliant, a community of 771 people. Moreover, reducing the allotment at Valliant from a Class C3 to a Class A allotment, will allow the Commission greater flexibility in resolving other pending and yet to be filed rulemaking proceedings.

- **Option #2 at Valliant:** Allot a site-restricted Channel 234C3 to Valliant, but deny the request for allotment of Channel 232A at Broken Bow as that community's third local service. There is already a pending rulemaking to add Channel 285A at Broken Bow (a community of 4230 people) and Channel 291C2 licensed to Broken Bow, is operating to serve the community. Without Channel 232A at Broken Bow, the Commission would be able to grant Mr. Salsa's proposal for a first service to Valliant on Channel 234C3 (with the site restriction proposed in ROL's Comments and Counterproposal in Docket No. 01-216), and ROL's modification for improved facilities at KTXQ-FM, while maintaining the potential for two local services at Broken Bow, a community currently well served.

- Deny the yet-undocketed proposal to allot Channel 265A to Albion (population 144 people). The allotment of a channel to a community of this size is in the public interest. By eliminating the conflicting proposal to add Channel 265A at Albion, the Commission can grant the proposal of KTCY Licensing, Inc. to substitute Channel 265A for Channel 285A at Broken

Bow, which together with the substitution of a site restricted Channel 226A at Wright City (population 848), would permit an upgrade of the facilities of KTCY(FM) at Pilot Point, Texas. Denial of a new allotment at Albion (should the Commission eventually find that the public interest would not be served by such allotment), would allow for the grant of a first local service at Wright City, a second local service at Broken Bow and the improvement of two existing broadcast stations.

- Deny the allotment of Channel 284A at Antlers (population of 2525 people) as that community's third local service. There are already two vacant allotments at Antlers (Channels 222C2 and 272A). One of the channels at Antlers had been available through the Commission's "First-Come, First-Served" processes and no interest was expressed in the channel. As a result, it remains vacant today. ROL questions the wisdom of adding another channel at Antlers as there has been to date, no demonstrated need for a channel previously allotted there. Without the allotment of Channel 284A at Antlers, the Commission can safely maintain ample opportunity for local expression in Antlers, and allow Stations KTXQ-FM and Station KTCY(FM) to improve their service to the public. In addition, the Commission is spared considering the allotment of a substitute channel (227A) at Antlers. And finally, without the need for Channel 227A at Antlers, the Commission may be able to more easily process yet another Petition for Rulemaking received by the Commission on November 1, 2001, from Maurice Salsa, proposing the allotment of Channel 227A at Red Oak, Oklahoma (population 581 people). This proceeding has not yet been docketed<sup>1</sup>.

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<sup>1</sup> Mr. Salsa has used the filing of the Red Oak Petition, in part, as justification for his "Reply Comments of Maurice Salsa", in the above-referenced proceedings, received by the Commission on November 29, 2001. In his Reply Comments Mr. Salsa notes that the Counterproposal filed by KCTY in those proceedings (resting in part upon the allotment of Channel 227A to Antlers) may not be granted because Channel 227 is already "occupied" by the Petition in Red Oak. Mr.

In light of the many uncertainties surrounding the Commission's auction processes, it is likely to be some time before any of the allotments proposed in these many proceedings will provide service to the listening public. As such, the Commission should strive to balance the needs of the listening public in allotting channels to provide new outlets for expression at some point in the future, with the public interest benefits that can come from the improvement of existing facilities in the short term.

ROL submits that the Commission has been forced into the position of judging the relative merits of each of the many rulemaking proceedings that Mr. Salsa, Mr. Crawford and Ms. Anderson have placed before them. It seems unlikely, if not impossible, that the Commission will be able to satisfy all of the competing demands. However, ROL urges the Commission not to lose sight of the importance of the facilities modifications at Station KTXQ-FM<sup>2</sup> and the many benefits it will provide to the listening public if the modification application is granted soon.

For the reasons above, ROL respectfully requests that the Commission's Allocations Branch act expeditiously to adopt the allotment plan set forth herein, which will allow the Commission's Mass Media Bureau to grant promptly the pending KTXQ-FM modification application.

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Salsa further states that Channel 227A is not available due to the allotment of Channel 227C as a one-step upgrade to Station KKNG at Newcastle, Oklahoma. Mr. Salsa is wrong about Newcastle. Station KKNG is a licensed C1 facility. Its "one-step" application (File No. BPH-98101031IE) was dismissed by the Commission on February 27, 2001. Unlike a formal petition for rulemaking to upgrade, a "one-step" reference does not remain if the application is dismissed.

<sup>2</sup> The Commission should also consider the many public interest benefits to be gained by the listening public from the grant of the facilities modification at Station KTCY(FM).

Respectfully submitted,

RADIO ONE LICENSES, INC

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December 4, 2001



Attachment A

Wright City, OK  
RM-10265  
MM Docket No. 01-255  
Filed by Maurice Salsa, July 30, 2001

Antlers, OK  
RM-10249  
MM Docket No. 01-269  
Filed by Charles Crawford, August 22, 2001

Valliant, OK  
RM-10223  
MM Docket No. 01-216  
Filed by Maurice Salsa, July 16, 2001

Broken Bow, OK  
RM-10224  
MM Docket No. 01-209  
Filed by Maurice Salsa, July 24, 2001

Broken Bow, OK  
RM-  
MM Docket No.  
Filed by Jeraldine Anderson, October 17, 2001

Clayton, OK  
RM-10211  
MM Docket No. 01-191  
Filed by Maurice Salsa, July 10, 2001

Albion, OK  
RM-  
MM Docket No.  
Filed by Maurice Salsa, October 4, 2001

Red Oak, OK  
RM-  
MM Docket No.  
Filed by Maurice Salsa, November 1, 2001

## CERTIFICATE OF SERVICE

I, Margaret L. Truitte, a secretary in the law firm of Davis Wright Tremaine LLP, do hereby certify that I have on this 4th day of December, 2001, caused to be mailed by first-class mail, postage prepaid, copies of the foregoing "Reply Comments" to the following:


R. Barthen Gorman  
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Jeraldine Anderson  
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